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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10 INTERNATIONAL CHURCH OF THE) Case No.: C07-03605 -PJH
11 FOURSQUARE GOSPEL,)
12 Plaintiff,) **[PROPOSED] ORDER GRANTING**
13 v.) **PRELIMINARY INJUNCTION**
14)
15 CITY OF SAN LEANDRO, TONY SANTOS)
16 (in his official capacity), SURLENE G.)
17 GRANT (in her official capacity), DIANA M.)
18 SOUZA (in her official capacity), JOYCE R.)
19 STAROSCIACK (in her official capacity),)
20 BILL STEPHENS (in his official capacity),) Date: September 5, 2007
21 JIM PROLA in his official capacity), JOHN) Time: 9:00 a.m.
22 JERMANIS (in his official and individual) Courtroom: 3
23 capacities), DEBBIE POLLART (in her official) Hon.: Phyllis J. Hamilton
24 and individual capacities), DOES 1-50,)
25 Defendants.)
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)
27 FAITH FELLOWSHIP FOURSQUARE)
28 CHURCH,)
Real Party in Interest.)

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26 This matter came on for hearing before the Court on Plaintiff and Real Party in Interest's
27 application for preliminary injunction. Having given full consideration to all of Plaintiff and Real
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1 Party in Interest's papers, evidence, and the relevant authorities, all of Defendants' responses
2 thereto, and the oral presentations of counsel, and good cause appearing, in accordance with
3 Federal Rule of Civil Procedure 65(b), it is HEREBY ORDERED as follows:

4 1. Plaintiff and Real Party in Interest's application for preliminary injunction is
5 GRANTED. Plaintiff and Real Party in Interest have demonstrated: (i) a likelihood of success on
6 the merits of their claims under the Religious Land Use and Institutionalized Persons Act (42
7 U.S.C. § 2000cc); (ii) irreparable harm if they are not granted a preliminary injunction; (iii) the
8 balance of hardships tipping in their favor; and, (iv) the public interest favors the interim relief
9 sought in their application, sufficient to merit and constitute good cause for the issuance of a
10 Preliminary Injunction Order as more particularly described herein.
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12 2. Defendants, their officers, agents, servants, employees, any person acting for, with,
13 by, through or under them, and any person in active concert or participation with them having
14 actual notice of this Order by personal service or otherwise, and each of them, shall be
15 immediately preliminarily enjoined and restrained from the following:
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17 a) preventing International Church of the Foursquare Gospel and Faith Fellowship
18 Foursquare Church from using the real property located at 14600 and 14850 Catalina Street, in the
19 City of San Leandro, CA, for religious assembly purposes until a final determination on the merits
20 is issued in this case; and,
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22 b) further delaying the processing of the conditional use permit application by
23 International Church of the Foursquare Gospel and Faith Fellowship Foursquare Church for
24 religious assembly purposes, while this case is pending, for the real property located at 14600 and
25 14850 Catalina Street, in the City of San Leandro, CA.
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1 c) using any criteria, in processing of the conditional use permit application, that
2 would not be applied to any nonreligious assembly for the real property located at 14600 and
3 14850 Catalina Street, in the City of San Leandro, CA.

4 3. No bond is required. The balance of hardships favors Plaintiff and Real Party in
5 Interest, who are experiencing harm to fundamental rights guaranteed them by the Constitution,
6 while Defendants do not face a likelihood of harm complying with this injunction.
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8 **ORDER**

9 IT IS SO ORDERED.

10 Dated: _____, 2007
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13 _____
14 THE HONORABLE PHYLLIS J. HAMILTON
15 UNITED STATES DISTRICT COURT JUDGE
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